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November 29, 2021

Quinton Mason
TTB FOIA Requester Service Center
1310 G Street, NW
Box 12
Washington, DC 20005
Phone: 202-882-9904
Fax: 202-453-2331

Via facsimile

FOIA Officer
National Archives and Records Administration
8601 Adelphi Road, Room 3110
College Park, MD 20740
Fax: (301) 837-0293
E-mail: foia@nara.gov

Via e-mail

Bureau of Alcohol, Tobacco, Firearms and Explosives
Attn: Disclosure Division, Room 4E.301
99 New York Ave, NE
Washington, DC 20226
Email: foiamail@atf.gov
Fax (202) 648-9619

Via ATF Portal

Re: FREEDOM OF INFORMATION ACT (FOIA) REQUEST
of Gun Owners of America and Gun Owners Foundation regarding
1968 Notice of Proposed Rulemaking

Dear Sirs:

We represent Gun Owners of America ("GOA") and Gun Owners Foundation ("GOF"), and submit this Freedom of Information Act ("FOIA") request on their behalf to the Alcohol and Tobacco Tax and Trade Bureau, the National Archives, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Exhibit "1"

GOA is a nonprofit social welfare organization exempt from federal income tax under section 501(c)(4) of the Internal Revenue Code. GOA's tax-exempt mission and purposes include educating the public and conducting activities in defense of the Second Amendment and the right to keep and bear arms. GOA's principal office is located at 8001 Forbes Place, Suite 202, Springfield, Virginia 22151. (For further information on GOA, please see <https://gunowners.org>.) GOF is a Virginia non-stock corporation, organized and operated as a non-profit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code. GOF is supported by gun owners across the country. (For further information on GOF, please see <https://www.gunowners.com/>.)

On November 6, 1968, a Notice of Proposed Rulemaking ("NPRM") was filed in the Federal Register. *See* 33 FR 16285.¹ The NPRM invited comments on a proposed rule on various firearm related matters and scheduled a public hearing for November 21, 1968. The NPRM also stated that "[a]ny written comments or suggestions not specifically designated as confidential ... may be inspected by any person upon written request." On December 12, 1968, a notice was published in the Federal Register adopting various regulations "[a]fter consideration of all written and oral comments..." *See* 33 FR 18555.²

This FOIA is being directed to all three of the above agencies because the Alcohol and Tobacco Tax and Trade Bureau was renamed from the Alcohol and Tobacco Tax Division of the Internal Revenue Service, and as the NPRM specifies, the Internal Revenue Service was the agency responsible for promulgating the rule in question in 1968. Additionally, because the ATF subsequently took over those duties from Treasury, ATF may also have the documents requested. And lastly, due to the age of the documents requested, the National Archives may have the requested documents. Should this FOIA be directed at a different agency, or if this information is available online, please direct us to the correct agency or reading room.

Record Request

We hereby seek the following records:

- (a) Comments submitted, regarding the Notice of Proposed Rulemaking as found in 33 FR 16285, et seq, titled "Part 178 - Commerce in Firearms and Ammunition"; and
- (b) Testimony, oral and/or written comments submitted at the hearing, hearing transcripts, and all other documents regarding the November 21, 1968 hearing as referenced in 33 FR 16285 and 33 FR 18555.

¹For your convenience, it can be located here:
<https://www.govinfo.gov/content/pkg/FR-1968-11-06/pdf/FR-1968-11-06.pdf>.

²<https://www.govinfo.gov/content/pkg/FR-1968-12-14/pdf/FR-1968-12-14.pdf>.

If any of the information sought above is publicly available, please provide us with the location(s) of that information.

Please email the documents to wjo@mindspring.com, or mail them to the following address:

Robert J. Olson, Esquire
William J. Olson, P.C.
370 Maple Ave W., Suite 4
Vienna, VA 22180-5615

Fee Waiver Request

We request that the search, review, and copying fees be waived as provided under section 5 U.S.C. § 552(a)(4)(A) and 28 CFR 16.10(k). GOA and GOF are nonprofit organizations seeking the requested documents to educate the public on a matter of great public importance, by releasing information that — in addition to contributing to public understanding on the workings of government — may have great effect on substantive policy discussions relating to the exercise of citizens' rights under the Second Amendment. GOA and GOF routinely publish the results of findings from documents they receive through FOIA requests, free-of-charge on their websites, in releases to members and supporters, and through dissemination of information to the news media.

The fees should be waived because release of the requested documents is in the public interest, and the requested information is likely to contribute significantly to public understanding of the operations or activities of the government. Additionally, the records sought by GOA and GOF are likely to contribute significantly to public understanding of the operations or activities of the government.

The release of the requested documents is not primarily for any commercial interest or purpose, including any commercial interest of GOA or GOF. GOA and GOF intend to disseminate to the general public, free of charge, any important information it obtains as a result of this request.

If our clients' waiver request is denied, we would appreciate an estimate of the costs involved in procuring any of the requested documents if such costs exceed \$250. If the costs do not exceed \$250, however, we do not need an estimate, and we will guarantee payment.

We request that the twenty-business day response time imposed by 5 U.S.C. § 552(a)(6)(A)(i) and 28 CFR 16.6(b) be adhered to strictly. We look forward to hearing from you within 20 business days.

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Thank you for your prompt attention to this request.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Rob Olson", written in black ink.

Robert J. Olson

RJO:ls

cc: Gun Owners of America
Gun Owners Foundation